

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 3:21-CR-08-TAV-HBG
)	
WILLIAM BRIAN CAIN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the Motion of Defendant William Brian Cain to Extend Deadlines [Doc. 44], filed on November 18, 2021. Defendant asks the Court to continue his December 7, 2021 trial date, along with the plea deadline and motion deadline, to preserve the continuity of counsel. The motion relates that defense counsel are involved in a lengthy federal criminal trial in Greeneville, Tennessee, that is not expected to conclude until the week of December 6, 2021. The motion relates that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of February 15, 2022.

The Court finds Defendant Cain's motion to continue the trial is not opposed and is well taken. It also finds that the ends of justice served by continuing the trial outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This case is set for trial on December 7, 2021. Defense counsel presently represent a client in an ongoing federal criminal trial that will likely not conclude until the trial date in Defendant Cain's case. Defense counsel's involvement in the other trial leaves no time for them to prepare for Defendant Cain's trial.

Accordingly, the Court finds a continuance of the December 7 trial date in this case is reasonable and necessary to preserve the continuity of counsel and to avoid a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(i) & -(iv). Moreover, a trial continuance is necessary to permit defense counsel the reasonable time necessary to prepare for trial, despite the use of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendant's motion to continue the trial and plea deadline is **GRANTED**, and the trial of this matter is reset to **February 15, 2022**. The Court finds that all the time between the filing of the motion on November 18, 2021, and the new trial date of February 15, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). The motion deadline in this case expired on August 20, 2021. The Court declines to reopen the pretrial motion deadline at this late date. However, if defense counsel determine that a pretrial motion is necessary, they may file a motion for leave to file the motion out of time, attaching a copy of the proposed pretrial motion. The parties agreed on a new plea deadline and pretrial conference date, which are set out below.

Accordingly, it is **ORDERED**:

- (1) The Motion of Defendant William Brian Cain to Extend Deadlines [Doc. 44] is **GRANTED**;
- (2) The trial of this case is set to commence on **February 15, 2022, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **November 18, 2021**, and the new trial date of **February 15, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The Court declines to reset the pretrial motion deadline at this time. Defendant may file a motion for leave to file an untimely motion, if deemed necessary. Defendant should attach a copy of the proposed motion to his motion for leave;

- (5) The deadline for filing a plea agreement in the record and for providing reciprocal discovery is **January 14, 2022**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **January 24, 2022, at 11:00 a.m.** The Court will hear the Government's Motion for Order Forfeiting Bail, and for Summary Adjudication of Obligation with Respect to Defendant and Sureties [Doc. 41] at that time;
- (7) The deadline for filing motions *in limine* is **January 31, 2022**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **February 4, 2022**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge